

**REMARKS**

Claim 25 has been amended. Claims 1-39 are all the claims pending in the application.

**Formalities:**

Applicant thanks the Examiner for acknowledging claim to priority under 35 U.S.C. § 119 and for acknowledging receipt of certified copies of the priority documents.

**Allowable subject matter:**

Applicant thanks the Examiner for indicating that claims 1-24 are allowed. Applicant acknowledges that these claims are allowable at least for the reasons cited by the Examiner in the Office Action.

**Claim rejections - 35 U.S.C. § 112:**

The Examiner rejected claims 25-36 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite because the use of “etc.” gives the claim infinite possibility. Applicant has amended claim 25 to remove the objectionable language. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection to claim 25. Furthermore, since claims 26-36 depend from claim 25, Applicant respectfully request the Examiner to withdraw the rejection to those claims also.

**Claim rejections 35 U.S.C. § 102:**

The Examiner rejected claims 37-39 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,574,277 to Miyamoto. Applicant respectfully traverses this rejection because Miyamoto fails to disclose or suggest all of the claim limitations. Specifically, Miyamoto fails to disclose or suggest at least “a data loss probability estimation means for estimating the probability that data loss will occur to the said target block due to transmission error, based on the said code volume and a preset error probability per bit.” For example, claim 37 is drawn to a motion video and coding device having a data loss probability estimation means. This estimation means estimates the probability that data loss will occur to a target block due to transmission error, based on code volume and a preset error probability per bit.

The Examiner suggests that this feature is met by Miyamoto at col. 7, line 17 to col. 8, line 50. Applicant respectfully disagrees. At col. 7, line 17 to col. 8, line 50, Miyamoto teaches a counter which indicates the position of a target small block. The value recorded by the counter indicates the distance between a synchronizing pattern inserted into coded data and the target small block. This value is used in calculating the probability that the coded data of the small block will be lost due to an error during transmission of the data. As the distance of the data from the immediately preceding synchronizing pattern increases, the probability of data loss accompanying the occurrence of an error increases. The probability that data loss will occur due to error during transmission is estimated block by small block and the degree of image quality degradation is estimated block by small block. When errors occur partway along coded image data, decoding processing jumps to the next synchronizing pattern and is executed in the reverse

direction. The probability that data in a certain small block will be lost is represented by a monotonously increasing function of distance from a synchronizing pattern. In this scheme, i.e. using the reverse direction, data loss probability is still calculated using the distance from the synchronization pattern, only this time the distance measured is the reverse distance. Thus, Miyamoto does not teach or disclose estimating the probability that data loss will occur due to a preset error probability per bit. Since Miyamoto does not teach or suggest estimating the probability that data loss will occur based on a preset error probability per bit, as recited in claim 37 of the present development, claim 37 is therefore patentably distinguished over Miyamoto. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection to claim 37.

Claims 38 and 39 each recite the same limitation, namely estimating the probability that data loss will occur based on a preset error probability per bit, as is recited in claim 37 discussed above. Therefore, claims 38 and 39 are patentably distinguished over Miyamoto for at least the reasons given above. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection to these claims.

**Conclusion:**

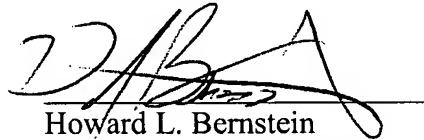
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

*Amendment Under 37 C.F.R. § 1.111*  
*USAN 10/046,817*

*Q68117*

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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